

# House File 259 - Introduced

HOUSE FILE 259

BY HEATON

## A BILL FOR

1 An Act relating to adjudicating newborns testing positive for  
2 drugs at birth as a child in need of assistance or as part of  
3 a family in need of assistance.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 232.2, subsection 6, Code 2017, is  
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *Op.* Who is a newborn in whose body there is  
4 an illegal drug present at the time of birth and whose mother  
5 is unwilling to voluntarily receive substance abuse treatment.  
6 The presence of the drug shall be determined in accordance  
7 with a medically relevant test as defined in section 232.73.  
8 However, if the mother of such a newborn voluntarily agrees to  
9 receive and receives substance abuse treatment, the newborn  
10 shall not be considered a child in need of assistance and  
11 instead the mother and newborn shall be considered a family in  
12 need of assistance under section 232.125, subsection 6.

13 Sec. 2. Section 232.127, Code 2017, is amended by adding the  
14 following new subsection:

15 NEW SUBSECTION. 06. The court may adjudicate the family  
16 to be a family in need of assistance and enter an appropriate  
17 dispositional order if the court finds the child is a newborn  
18 in whose body there is an illegal drug present at the time of  
19 birth and whose mother has voluntarily agreed to receive and  
20 receives substance abuse treatment.

21 EXPLANATION

22 The inclusion of this explanation does not constitute agreement with  
23 the explanation's substance by the members of the general assembly.

24 This bill relates to adjudicating newborns testing positive  
25 for drugs at birth as a child in need of assistance or as part  
26 of a family in need of assistance. The bill provides that a  
27 newborn with an illegal drug present in the newborn's system  
28 at the time of birth shall be considered a child in need of  
29 assistance. The bill provides an exception that the newborn  
30 in whose body there is an illegal drug shall not be a child in  
31 need of assistance if the mother voluntarily agrees to receive  
32 substance abuse treatment.

33 If the mother voluntarily agrees to receive substance  
34 abuse treatment, the family shall be considered a family in  
35 need of assistance under Code section 232.125(6). The bill

1 creates Code section 232.127(6) to provide that the court may  
2 adjudicate the family to be a family in need of assistance  
3 and enter an appropriate dispositional order if the court  
4 finds that the child is a newborn in whose body there is an  
5 illegal drug present at the time of birth and whose mother has  
6 voluntarily agreed to receive substance abuse treatment.

7 Under Code section 232.127(7), a child shall not be placed  
8 outside of the home if the family is adjudicated as a family in  
9 need of assistance unless the court finds clear and convincing  
10 evidence that the child could be a child in need of assistance  
11 as defined under Code section 232.2(6).